



General Assembly

**Substitute Bill No. 5629**

February Session, 2008

\*            HB05629APP            041608            \*

**AN ACT CONCERNING WORKERS' COMPENSATION COVERAGE  
FOR FIREFIGHTERS AND POLICE OFFICERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2008*) (a) As used in this  
2 section:

3       (1) "Body fluids" means blood and body fluids containing visible  
4 blood and other body fluids to which universal precautions for  
5 prevention of occupational transmission of blood-borne pathogens, as  
6 established by the National Centers for Disease Control, apply. For  
7 purposes of potential transmission of meningococcal meningitis or  
8 tuberculosis, the term "body fluids" includes respiratory, salivary and  
9 sinus fluids, including droplets, sputum and saliva, mucous and other  
10 fluids through which infectious airborne organisms can be transmitted  
11 between persons.

12       (2) "Constable" means any municipal law enforcement officer who is  
13 authorized to make arrests and has completed Police Officer Standards  
14 and Training Council certification pursuant to section 7-294a of the  
15 general statutes.

16       (3) "Police officer or firefighter" means a local or state police officer  
17 or constable, a state or local firefighter or an active member of a  
18 volunteer fire company or fire department engaged in volunteer duties

19 who, in the course of employment, runs a high risk of occupational  
20 exposure to hepatitis, meningococcal meningitis or tuberculosis.

21 (4) "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A,  
22 hepatitis non-B, hepatitis C or any other strain of hepatitis generally  
23 recognized by the medical community.

24 (5) "High risk of occupational exposure" means the risk incurred as  
25 a result of the basic duties of employment, where the employee:

26 (A) Provides emergency medical treatment in a nonhealth-care  
27 setting where there is a potential for transfer of body fluids between  
28 persons;

29 (B) At the site of an accident, fire or other rescue or public safety  
30 operation, or in an emergency rescue or public safety vehicle handles,  
31 body fluids in or out of containers or works with or otherwise handles  
32 needles or other sharp instruments exposed to body fluids; or

33 (C) Engages in the pursuit, apprehension or arrest of law violators  
34 or suspected law violators and, in performing such duties, may be  
35 exposed to body fluids.

36 (6) "Occupational exposure", in the case of hepatitis, meningococcal  
37 meningitis or tuberculosis, means an exposure that occurs during the  
38 performance of job duties that may place a worker at risk of infection.

39 (b) Any police officer or firefighter who suffers a condition or  
40 impairment of health that is caused by hepatitis, meningococcal  
41 meningitis or tuberculosis that requires medical treatment and that  
42 results in total or partial incapacity or death, shall be presumed to have  
43 sustained such condition or impairment of health in the course of  
44 employment and shall be entitled to receive workers' compensation  
45 benefits pursuant to chapter 568 of the general statutes, unless the  
46 contrary is shown by competent evidence, provided:

47 (1) The police officer or firefighter completed a physical  
48 examination, including a tuberculosis skin test, on entry into police or

49 fire service that failed to reveal any evidence of such condition or  
50 impairment of health; and

51 (2) The police officer or firefighter presents a written affidavit  
52 verifying by written declaration that, to the best of his or her  
53 knowledge and belief:

54 (A) In the case of meningococcal meningitis, in the ten days  
55 immediately preceding diagnosis, the police officer or firefighter was  
56 not exposed, outside the scope of employment, to any person known  
57 to have meningococcal meningitis or known to be an asymptomatic  
58 carrier of the disease.

59 (B) In the case of tuberculosis, in the period of time since the police  
60 officer's or firefighter's last negative tuberculosis skin test, he or she  
61 has not been exposed, outside the scope of employment, to any person  
62 known by the police officer or firefighter to have tuberculosis.

63 (c) Each employer shall maintain a record of any known or  
64 reasonably suspected exposure of any police officer or firefighter in its  
65 employ to the diseases described in this section and shall immediately  
66 notify the employee of such exposure. A police officer or firefighter  
67 shall file an incident or accident report with his or her employer of  
68 each instance of known or suspected occupational exposure to  
69 hepatitis, meningococcal meningitis or tuberculosis.

70 Sec. 2. Section 7-433c of the general statutes is repealed and the  
71 following is substituted in lieu thereof (*Effective October 1, 2008*):

72 (a) Notwithstanding any provision of chapter 568 or any other  
73 general statute, charter, special act or ordinance, [to the contrary,] in  
74 the event a uniformed member of a paid municipal fire department or  
75 a regular member of a paid municipal police department who (1)  
76 began such employment prior to July 1, 1996, and (2) successfully  
77 passed a physical examination on entry into such service, which  
78 examination failed to reveal any evidence of hypertension or heart  
79 disease, suffers either off duty or on duty any condition or impairment

80 of health caused by hypertension or heart disease resulting in [his  
81 death or his] such member's death or temporary or permanent, total or  
82 partial disability, [he or his] such member or such member's  
83 dependents, as the case may be, shall receive from [his] such member's  
84 municipal employer compensation and medical care in the same  
85 amount and the same manner as that provided under chapter 568 if  
86 such death or disability was caused by a personal injury which arose  
87 out of and in the course of [his] such member's employment and was  
88 suffered in the line of duty and within the scope of [his] such member's  
89 employment, and from the municipal or state retirement system under  
90 which [he] such member is covered, [he or his] such member or such  
91 member's dependents, as the case may be, shall receive the same  
92 retirement or survivor benefits which would be paid under said  
93 system if such death or disability was caused by a personal injury  
94 which arose out of and in the course of [his] such member's  
95 employment, and was suffered in the line of duty and within the scope  
96 of [his] such member's employment. If successful passage of such a  
97 physical examination was, at the time of [his] employment, required as  
98 a condition for such employment, no proof or record of such  
99 examination shall be required as evidence in the maintenance of a  
100 claim under this section or under such municipal or state retirement  
101 systems. The benefits provided by this section shall be in lieu of any  
102 other benefits which such [policeman or fireman or his] member or  
103 such member's dependents may be entitled to receive from [his] such  
104 member's municipal employer under the provisions of chapter 568 or  
105 the municipal or state retirement system under which [he] such  
106 member is covered, except as provided by this section, as a result of  
107 any condition or impairment of health caused by hypertension or heart  
108 disease resulting in [his death or his] such member's death or  
109 temporary or permanent, total or partial disability. As used in this  
110 section, the term "municipal employer" shall have the same meaning  
111 and shall be defined as said term is defined in section 7-467.

112 [(b) Notwithstanding the provisions of subsection (a) of this section,  
113 those persons who began employment on or after July 1, 1996, shall not

114 be eligible for any benefits pursuant to this section.]

115 (b) For the purpose of adjudication of claims for the payment of  
116 benefits under the provisions of chapter 568 to a uniformed member of  
117 a paid municipal fire department or a regular member of a paid  
118 municipal police department who began such employment on or after  
119 July 1, 1996, any condition of impairment of health caused by a cardiac  
120 emergency occurring to such member while such member is in  
121 training for or engaged in fire duty at the site of an accident or fire or  
122 other public safety operation for such member's municipal employer  
123 that results in death or temporary or permanent total or partial  
124 disability shall be presumed to have been suffered in the line of duty  
125 and within the scope of such member's employment, unless the  
126 contrary is shown by competent evidence, provided such member  
127 completed a physical examination on entry into such employment that  
128 failed to reveal any evidence of a cardiac emergency. For purposes of  
129 this subsection "cardiac emergency" means cardiac arrest, myocardial  
130 infarction, myocardial ischemia or an arrhythmia leading to heart  
131 block.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	New section
Sec. 2	October 1, 2008	7-433c

**LAB**      *Joint Favorable Subst.*

**APP**      *Joint Favorable*